



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,680	10/22/2003	Aaron Seung-Joon Rhee	DOW-31780	6141

29423 7590 07/26/2005

WHYTE HIRSCHBOECK DUDEK S.C.
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE, WI 53202

EXAMINER

DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,680

Applicant(s)

RHEE ET AL.

Examiner

Matthew J. Daniels

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/28/04, 2/5/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: PTO-1449 of 3/6/05.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 28 January 2004 lists document USPN 5284613 twice in items 9 and 10, each having a different Patentee and subclass. The first (Item 9) appears to be the correct citation. The second citation of USPN 5284613 (Item 10) is deemed to be incorrect and has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-8** are rejected under 35 U.S.C. 102(b) as being anticipated by Matteodo (USPN 5132344). **As to Claim 1**, intended use language is only given patentable consideration to the extent that it affects the claimed method. Matteodo teaches film blowing (5:26) a composition containing a first linear low density polyethylene resin (2:63-64) and 100 ppm by weight of zinc oxide particles having a mean particle size of 0.05 microns (3:33 and 2:35-36). **As to Claim 2**, Matteodo teaches 100 ppm (2:35-36). **As to Claim 3**, Matteodo teaches 100 ppm (2:35-36). **As to Claim 4**, this aspect would have been inherent in the claimed method because Matteodo teaches the same particle, particle size, and weight percent in the same material. **As to Claim 5**, intended use language is only given patentable consideration to the extent that it affects the

Art Unit: 1732

claimed method. Matteodo teaches mixing an linear low density polyethylene resin with 100 ppm (2:35-36) of zinc oxide having a particle size of 0.05 microns (3:33), and forming the mixture into a film (5:27), which would have inherently had stretch wrap film properties. **As to Claim 6**, mixing was conducted while molten in Matteodo's method (6:24-29). **As to Claim 7**, blow molding is a blown film process (5:27). **As to Claim 8**, the Examiner recites that "cast" is interpreted to mean: "to give a shape to (a substance) by pouring in liquid or plastic form into a mold and letting harden without pressure." Casting therefore appears to exclude methods which form by pressure. However, Matteodo's rotomolding operation would have inherently been a casting process lacking pressure (5:26-27) and would have inherently produced a film by a "cast film process."

3. **Claims 1-7** are rejected under 35 U.S.C. 102(b) as being anticipated by McKinney (USPN 4430289). **As to Claim 1**, intended use language is only given patentable consideration to the extent that it affects the claimed method. McKinney teaches film blowing (Abstract, line 3) a composition containing a first linear low density polyethylene resin (4:25) and 500 ppm by weight of zinc oxide particles having a mean particle size of less than 0.05 microns (3:35-40 and 4:20-21). **As to Claims 2 and 3**, McKinney teaches 100 ppm (3:36-37). **As to Claim 4**, this aspect would have been inherent in the claimed method because McKinney teaches the same particle, particle size, and weight percent in the same material. **As to Claim 5**, intended use language is only given patentable consideration to the extent that it affects the claimed method. McKinney teaches mixing a linear low density polyethylene resin with 100 to 500 ppm (3:35-40) of zinc oxide having a particle size of less than 0.05 microns (4:20-21), and forming the mixture

Art Unit: 1732

into a film (4:36), which would have inherently had stretch wrap film properties. **As to Claim 6**, mixing was conducted while molten in McKinney's method (5:14-37). **As to Claim 7**, blow molding is a blown film process (4:37 and 5:1-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over McKinney (USPN 4430289) in view of Ealer (USPN 4594213). Claim 5 was rejected over McKinney. See the rejection of Claim 5 above under 35 USC 102(b). **As to Claim 8**, it would have also been obvious to use a cast film process with McKinney's method because Ealer teaches that blow molding and slot cast extrusion can be used interchangeably (Columns 8-9). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Ealer into that of McKinney in order to produce the vastly improved optical properties of slot cast films over those of blow molded films (Ealer 9:56-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Thursday, 7:30 am - 5:30 pm.

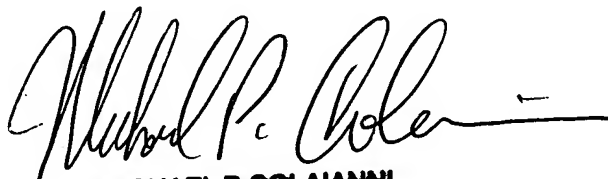
Art Unit: 1732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJD 7/21/05

MSD

A handwritten signature in black ink, appearing to read "Michael P. Colaianni", with a long horizontal flourish extending to the right.

MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER